

1 principal place of business.” *Tosco*, 236 F.3d at 499 (citing 28 U.S.C. § 1332(c)(1)).

2 In this case, it is not clear from the face of the pleadings that diversity jurisdiction
3 exists. Taser is a Delaware corporation with its principal place of business in Arizona.
4 Dkt. ##1 & 6, ¶ 5. The original complaint alleges that Autonomy Interwoven has its
5 principal place of business in California (Dkt. #1 ¶ 8), but the complaint does not indicate its
6 state of incorporation. This omission precludes the Court from concluding that diversity
7 jurisdiction exists. *See Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857-58 (9th Cir. 2001)
8 (“Since the party asserting diversity jurisdiction bears the burden of proof, [Defendants’]
9 failure to specify Plaintiffs’ state of citizenship was fatal to Defendants’ assertion of diversity
10 jurisdiction.”) (citation omitted). The amended complaint suggests that diversity jurisdiction
11 is, in fact, lacking. That pleading alleges that Interwoven, Inc., like Taser, is a Delaware
12 corporation. Dkt. #6 ¶¶ 5-6.

13 The parties shall, by December 11, 2009, file a joint report listing the citizenship
14 (both the state of incorporation and principal place of business) of each party at the time this
15 action was filed. *See In re Digimarc Corp. Derivative Litig.*, 549 F.3d 1223, 1236 (9th Cir.
16 2008) (“It is well-established that ‘jurisdiction of the court depends upon the state of things
17 at the time of the action brought.’”) (citation omitted).

18 **IT IS ORDERED** that the parties shall file a joint report regarding citizenship of
19 parties by **December 11, 2009**.

20 DATED this 7th day of December, 2009.

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David G. Campbell
United States District Judge
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